



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: June 1, 2012

SUBJECT: OP Report on Zoning Commission Case No. 07-16B
Minor Modification Request for Zoning Commission Case No. 97-16A.
Lowell School Planned Unit Development Application for a Major Modification
1640- Kalmia Road, N.W. and 7775 17th Street N.W. Square 2745F, Lots 815 and 817.

OP RECOMMENDATION

The applicant proposes changes to the approved design for an addition to the Lowell School's Parkside Building, which is the southernmost building on the site outlined in Figure 1. The building is part of a PUD for which a major modification was approved by Order 849-B, effective November 26, 2010.

OP cannot recommend the Zoning Commission consider the proposed design revision to be a minor modification. The changes are substantial and require additional relief from the Zoning Regulations' limitations on the number of roof structures, and their setback requirements. However, the changes would improve the addition's design, would have no negative impacts on the campus or the adjacent neighborhood, and would be consistent with the intent of the approved PUD. If the Commission considers the re-design to be a major modification, then **OP recommends the application be set down for a public hearing.** If the applicant details the reasons for the additional roof structure relief and demonstrates there would be no negative impact from the new design or relief, the application would receive a positive recommendation from OP.

Figure 1. Lowell School Site



CONSENT CALENDAR AND MINOR MODIFICATIONS PROCEDURES

The criteria for determining whether the application is a minor modification that does not require a public hearing are set out in § 3030 – “Consent Calendar”-- of the Zoning Regulations.

3030.1 The purpose of this section is to create an expedited procedure to be known as the "Consent Calendar." The procedure shall allow the Commission, in the interest of efficiency, to make, without public hearing, minor modifications and technical corrections to previously approved final orders, rulemaking, or

other actions of the Commission, including corrections of inadvertent mistakes.

3030.2 For purposes of this section, "minor modifications" shall mean modifications of little or no importance or consequence.

3030.13 All relief granted by the Commission under this section shall be consistent with the intent of the Commission in approving its original order, map, plan, rulemaking, or other action or relief proposed to be modified or corrected and shall not substantially impair the intent, purpose, or integrity of the zone plan...

ANALYSIS

The proposed modifications appear to be in accordance with § 3030.13. They do not substantially change the balance between requested relief and project benefits. The re-design appears to improve the relationship between the existing building and the addition and to improve the appearance of the combined structure. Overall, they seem “*to be consistent with the intent of the Commission in approving its original order*”.

However, the proposed changes do not appear to be “*of little or no importance or consequence*” as required by § 3030.2 for consideration as a minor modification without a public hearing. Nor do they seem to be consistent with Condition No. 13 of Order No. 849 B, which grants the applicant “the necessary flexibility to modify the proposed plans in response to design recommendations from the HPRB Review board [D.C. Historic Preservation Review Board] and the CFA [federal Commission on Fine Arts]”.

When the Commission’s Order includes a condition granting flexibility to make design changes, such changes typically retain the essential elements of the approved design while making relatively minor adjustments to accommodate building code requirements or comments from the HPRB, District Department of Transportation or other public bodies. In this application the proposed modifications include changes to the proposed addition’s footprint, relationship of horizontal to vertical, type of windows, and ratio of stucco wall to glass. The changes are significant enough that the applicant noted in May 15, 2012 letter to the Commission that “Despite having this flexibility [of Condition 13] the Applicant proactively submits this application to the Zoning Commission for its review because some of the modifications were not direct recommendations of HPRB and CFA but were made indirectly as a result of HPRB and CFA comments”. While the applicant has appended reports from these agencies, it has not fully explained the relationship between those agencies’ comments and the proposed design changes and new zoning relief.

JLS/slc
Stephen Cochran, project manager